

City Council Introduction: **Monday**, May 16, 2005
Public Hearing: **Monday**, May 23, 2005, at **5:30 p.m.**

Bill No. 05-57

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05028**, from I-1 Industrial District to B-3 Commercial District, requested by the Director of the Urban Development Department, on property generally located at North 27th and Apple Streets.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Amendment to the North 27th Street Corridor and Environs Redevelopment Plan (05R-101) and Street & Alley Vacation No. 05004 (05-58).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/27/05
Administrative Action: 04/27/05

RECOMMENDATION: Approval (8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest).

FINDINGS OF FACT:

1. This change of zone request was heard before the Planning Commission at the same time as the proposed amendment to the North 27th Street Corridor and Environs Redevelopment Plan and Street & Alley Vacation No. 05004.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-6, concluding that the change of zone to B-3 is consistent with the Comprehensive Plan and the approved subarea plan, and would support redevelopment activities proposed for the site.
3. The testimony by Ernie Castillo on behalf of the Urban Development Department is found on p.7.
4. There was no testimony in opposition.
5. On April 27, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Pearson declaring a conflict of interest).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 9, 2005

REVIEWED BY: _____

DATE: May 9, 2005

REFERENCE NUMBER: FS\CC\2005\CPC.05002

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 27, 2005 PLANNING COMMISSION MEETING

PROJECT#: Change of Zone #05028

PROPOSAL: A change of zone from I-1 Industrial District to B-3 Commercial District

LOCATION: Generally located at North 27th and Apple Streets.

LAND AREA: Approximately 0.512 acres or 22,284 square feet

CONCLUSION: This change of zone request to B-3 is consistent with the Comprehensive Plan and the approved subarea plan and would support redevelopment activities proposed for the site.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 25, north 26.7 feet of Lot 26, and Lots 28, 29, 30, Hartz & Braces Subdivision and north-south alley, located in the NW 1/4 of Section 19-10-7, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Demolished Commercial Building (Adjacent to Abandoned Railroad Spur)

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Residential	B-3/R-4
South:	Industrial-vacant railroad	I-1
East:	Residential	R-4
West:	Commercial	B-3

ASSOCIATED APPLICATIONS: Comprehensive Plan Conformance #05002
Street/Alley Vacation #05004

HISTORY:

March, 1998 North 27th Street Redevelopment Plan (as amended last in June 2003)

June, 1997 *The North 27th Corridor Plan* was incorporated as an approved subarea plan of the Comprehensive Plan.

**1979 Zoning
Update**

This property was converted from K Light or L Heavy Industrial District to I-1 Industrial

UTILITIES: This area is within the Future Service Limit of the Comprehensive Plan. All utilities are available or planned for this area.

TOPOGRAPHY: The topography is flat across the site.

TRAFFIC ANALYSIS: North 27th Street is classified as a minor arterial adjacent to this site. The Comprehensive Plan states that “This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis, on land access. These are characterized by moderate to heavy traffic volumes. (page F 102 - B. Minor Arterials).

AESTHETIC CONSIDERATIONS: See below section on *The North 27th Street Corridor Plan* specifications.

COMPREHENSIVE PLAN SPECIFICATIONS (related to this property):

Land Use Plan designates this area as Industrial. (page F 25)

“Commercial: Areas of retail, office and service uses. Commercial may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each are designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all elements of the Comprehensive Plan.” (page F 22)

“Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses.” (page F 22)

“The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.” (page F 27)

“Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.” (page F 42)

“Citizens of the community have become increasingly concerned about “light pollution” and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.” (page F 42)

“Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.” (page F 49)

“Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.” (page F 49)

“Encourage efforts to find new uses for abandoned, under utilized or “brownfield” sites that are contaminated.” (page F 49)

“3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).” (page F 69)

“Subarea Planning – The Comprehensive Plan provides broad guidance for achieving the community’s stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation of subarea plans. Subarea plans offer greater details about the intended future of an area of the community — including land uses, infrastructure requirements, and development policies and standards. Many of these subarea plans are prepared by the City-County Planning Department, while some are prepared by other agencies and departments. Subarea plans from the previous (1994) Comprehensive Plan carried over as part of this Comprehensive Plan include:

- North 27th Street Corridor Plan, RDG Crose Gardner Shukert, April 1997.” (page F 156)

THE NORTH 27th STREET CORRIDOR PLAN SPECIFICATIONS (related to this property):

“The commercial strip pattern along 27th Street is interrupted by an industrial corridor, surrounding the Union Pacific spur. Industrial development along this spur is generally concentrated west of 27th Street. Some buildings and parcels along the corridor are currently vacant, providing possibilities for redevelopment.” (page 28)

“The future viability and use of the railroad and industrial corridor. While some corridor industries are strong, in other cases, vacant land or buildings create major opportunities for the areas future.” (page 29)

“Traffic function and conflicts. The combination of streetcar commercial buildings, auto-oriented commercial development with independent parking, and medians and intersection channelization create conflicts between local and through traffic on 27th Street and produce awkward traffic movements. This obsolete pattern may eventually be improved with further redevelopment and property improvement.” (page 29)

“Improved street landscaping where possible along parking lots or in conjunction with new developments.” (page 38)

“Using pedestrian-scale lighting and graphics along 27th Street.” (page 38)

“Providing clear paths from adjacent neighborhoods to the 27th Street corridor and activity centers near or along 27th Street.” (page 38)

“Requiring new projects to provide direct connection from front door of business to 27th Street sidewalks. Design which require pedestrian to cross parking lots in order to get businesses should be discouraged.” (page 38)

“Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings.” (page 38)

“Greening of the railroad spur between Apple and W Streets. This corridor would receive major landscaping; in addition, a vacant parcel east of the Union Hall would be developed as a neighborhood park. The Mo Pac Trail would be extended through the corridor; trail development may include an overpass over 27th Street.” (page 48)

ANALYSIS:

1. This request is for a change of zone from I-1 to B-3.
2. The City Council adopted the 2025 Lincoln-Lancaster Comprehensive Plan which incorporated the 1997 *The North 27th Street Corridor Plan* as a subarea plan on May 28, 2002. Future redevelopment of this area should be consistent with the guidelines identified in *The North 27th Street Corridor Plan*.
3. The *North 27th Street Corridor and Environs Redevelopment Plan* Future Land Use map shows this property as Commercial (page 36). The Comprehensive Plan's Future Land Use map identifies these lots as Industrial (page F 25). In this case, the Subarea and Redevelopment Plans should be acknowledged as providing more specific guidance regarding appropriate land uses when redevelopment activities are reviewed.
4. This application is at the request of the City Urban Development Department who is seeking a change of zone from I-1 Industrial to B-3 Commercial. The purpose of the change of zone is to facilitate the redevelopment of the former Carpenters Union Hall building and other vacant parcels presently owned by the City of Lincoln – a north-south alley is also included and is “in-process” of vacation.
5. These parcels are part of a redevelopment project initiated by the Urban Development Department -- a redeveloper has been selected to carry out a commercial redevelopment project. A change of zone should be completed prior to transferring the parcels to the redeveloper.
6. The I-1 zoning was appropriate when the railroad line was active. However, since removal of the tracks and given the potential for redevelopment along the former railroad line, the change of zone to B-3 is appropriate.
7. The predominant zoning district for commercial uses in the North 27th Street corridor is the B-3 Commercial district. The types of uses and lot standards allowed by the I-1 Industrial

zoning district are different than those allowed by the B-3 Commercial zoning district. A B-3 Commercial district designation would allow this property to serve in a transitional role between the commercial uses along 27th Streets and protect the neighboring residential uses to the east and north

8. The Health Department supports the approval of this change of zone application.
9. This change of zone will serve to enhance compatibility among future land uses by ensuring there is uniform zoning across the lots involved in the proposed redevelopment project which are planned to be under single ownership.
10. The proposed redevelopment project has generally been described as commercial in nature. Exhibits of the site plan and elevations are attached. Such a use would be permitted under the I-1 or B-3 zoning district. For the long term protection of the corridor, future trail and public amenities, and the residential uses in the vicinity of the site, the Planning Department agrees with rezoning these parcels from I-1 Industrial District to B-3 Commercial District.
11. At the Urban Design Committee meeting of April 6, 2005, the Committee recommended approval of the redevelopment project with suggestions for improved plant materials and landscaping screening plan. The Committee's discussion included favorable comments on the placement of the building near N. 27th Street, and the location of the parking behind the building (east) off Apple Street. These comments should be included within the redevelopment agreement to be developed between the City of Lincoln and the redeveloper.

Prepared by:

Duncan Ross, AICP
441-7603, dross@lincoln.ne.gov
Planner

DATE: April 18, 2005

Applicant: Marc Wullschleger, Director
Urban Development Department
808 P Street, Suite 400
Lincoln, NE 68508
441.7606

Contact: Ernie Castillo
Urban Development Department
808 P Street, Suite 400
Lincoln, NE 68508
441.7855

**COMPREHENSIVE PLAN CONFORMANCE NO. 05002,
CHANGE OF ZONE NO. 05028
and
STREET & ALLEY VACATION NO. 05004**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 27, 2005

Members present: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand; Pearson declared a conflict of interest.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the amendment to the Redevelopment Plan; approval of the change of zone; and a finding of conformance with the Comprehensive Plan on the street vacation.

Ex Parte Communications: None.

Proponents

1. Ernie Castillo of the **Urban Development Department** presented the proposal. The North 27th Street Corridor and Environs Redevelopment Plan amendment allows the addition of three city-owned lots along with the alley for redevelopment of the project. The City originally purchased the three lots along with the railroad corridor for the MoPac Trail and the trail corridor will stay as is. The change of zone to B-3 is more appropriate for this project and for the future of the North 27th Street Corridor. It also eliminates the I-1 zoning abutting the residential use to the east and across Apple St. to the north. The alley vacation is needed for redevelopment of the site. The developer will purchase part of the vacated alley for their project and the city will retain easement for the existing utilities located in the alley.

The specific project is Heartland Optical, which has been in business for 30 years on North 27th Street. It is a successful family-owned small business, expanding their services to include retail eyewear, etc. This is a great project for the neighborhood and for the North 27th Street Corridor, and complements the health center across the street.

Carlson stated that he likes the plan, the building and the use. He noted from page 3 of the staff report: "The Concept Plan...identifies a new neighborhood park on vacant property east of the Union Hall." Carlson wondered whether this "changes gears a little bit. Is that in the mix of the trail? Castillo advised that there is a neighborhood park plan for the east side of 27th Street, so that is still intact. These three lots are being added to give more flexibility to the project. The park land is still there.

Duncan Ross of Planning staff added that the language in the staff report attempts to reflect what is in the corridor plan (the actual subarea plan for N. 27th Street), which identifies a number of concepts for future redevelopment activities. The concepts are more part of an overall vision goal, and when it comes to redevelopment activities, those concepts are assessed at that time.

This project still provides for a small park amenity in conjunction with the future trail and overpass. A more elaborate park is not included with this project.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 05002

ACTION BY PLANNING COMMISSION:

April 27, 2005

Carlson moved a finding of conformance with the Comprehensive Plan, seconded by Carroll.

Carlson was concerned about the trail but he is now satisfied.

Motion carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05028

ACTION BY PLANNING COMMISSION:

April 27, 2005

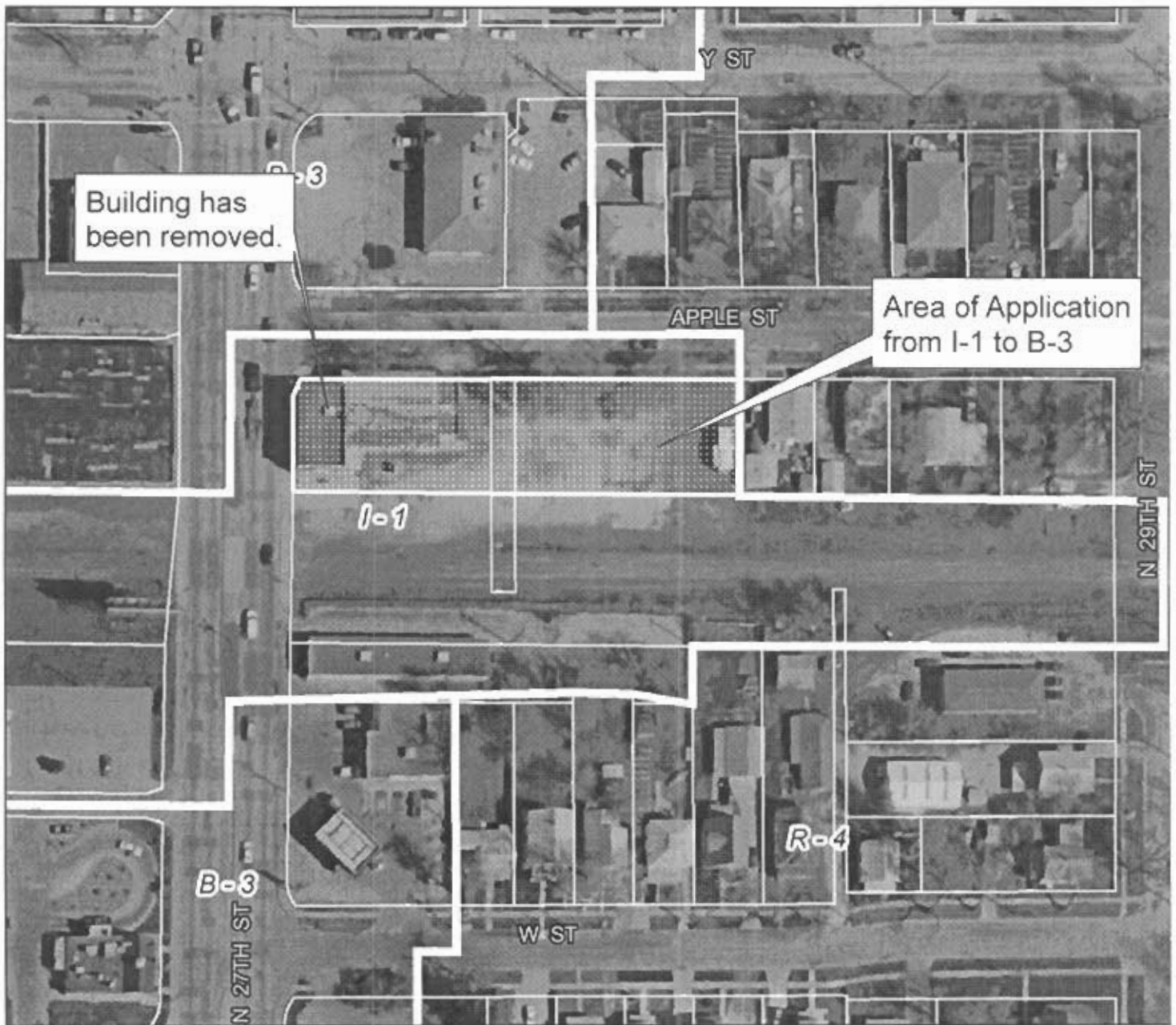
Marvin moved approval, seconded by Carroll and carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 05004

ACTION BY PLANNING COMMISSION:

April 27, 2005

Carroll made a motion for a finding of conformance with the Comprehensive Plan, seconded by Marvin and carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.



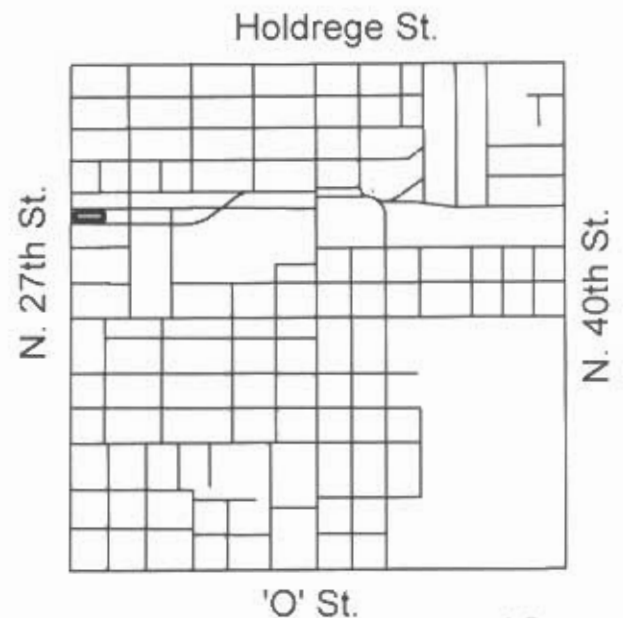
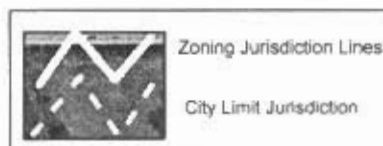
2002 aerial

Change of Zone #05028 N 27th St. Corridor and Environs

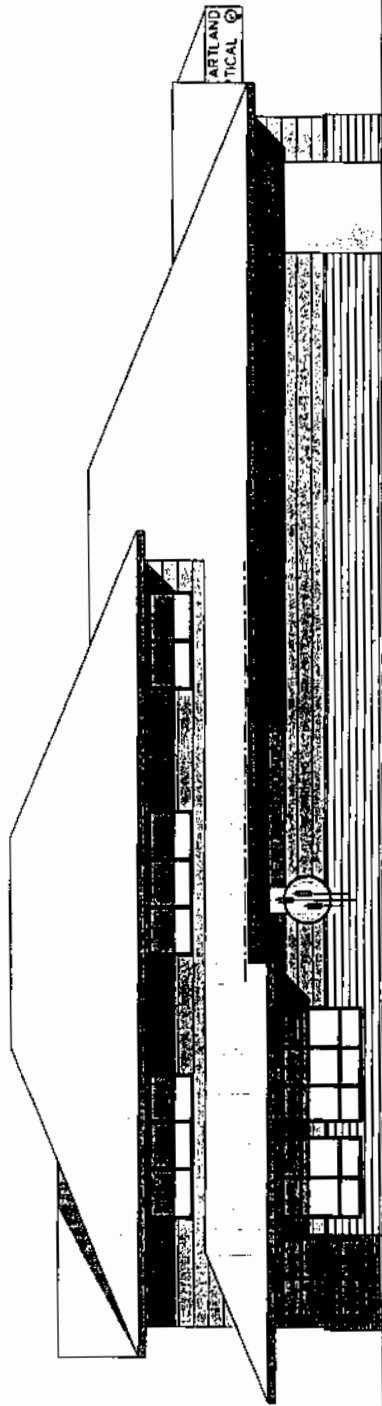
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

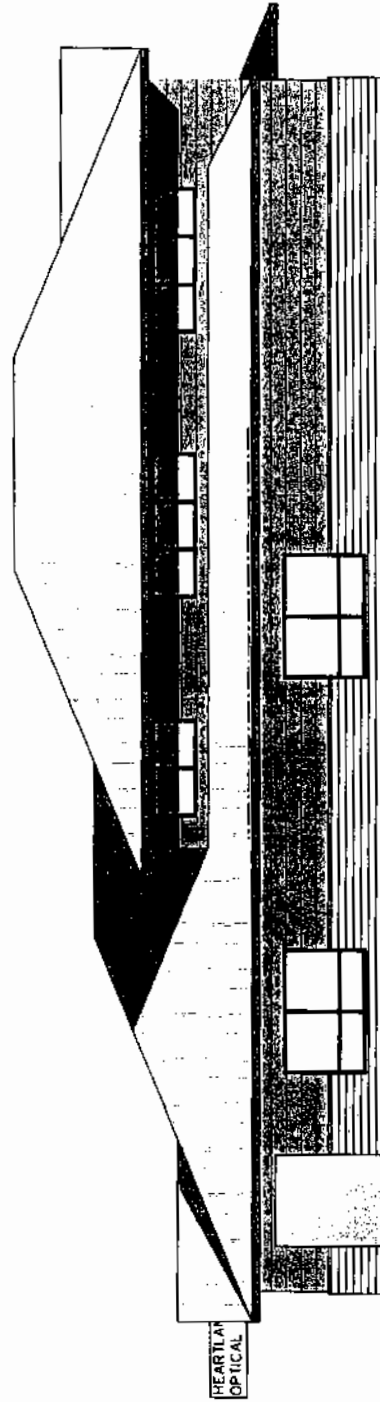
One Square Mile
Sec. 24 T10N R6E



609



SOUTH ELEVATION
SCALE 1/16" = 1'-0"



NORTH ELEVATION
SCALE 1/16" = 1'-0"

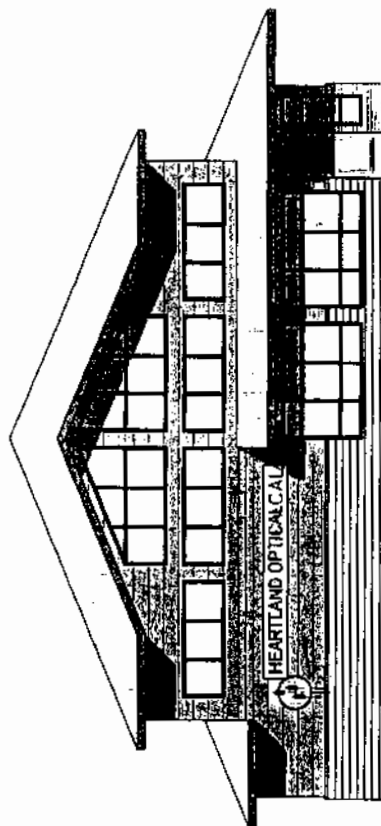
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CITY OF LINCOLN
PLANNING DEPARTMENT



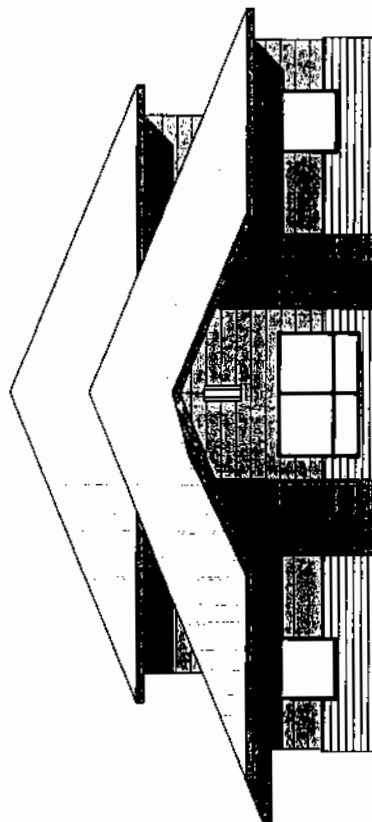
Pearson Architects
645 M Str. #103 Lincoln, NE 68508
P 402.474.1851 F 402.474.1020

Project No.: 0448	Project Title: HEARTLAND OPTICAL
Drawn By: carcan	Description: ELEVATIONS 1/16" = 1'-0"
Checked By: pearson	
Date Issued: 29 Nov 04	

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EAST ELEVATION
SCALE 1/16" = 1'-0"



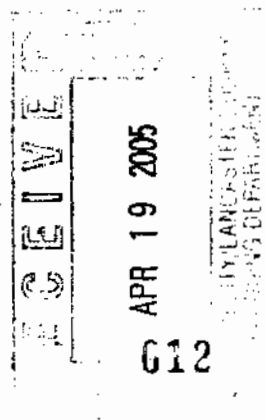
WEST ELEVATION
SCALE 1/16" = 1'-0"



Pearson Architects
645 M St. #103 Lincoln, NE 68508
p 402.474.1851 f 402.474.1020

Project No.:	0448	Project Title:	HEARTLAND OPTICAL
Drawn By:	carolan	Description:	ELEVATIONS 1/16" = 1'-0"
Checked By:	pearson		
Date Issued:	29 Nov 04		

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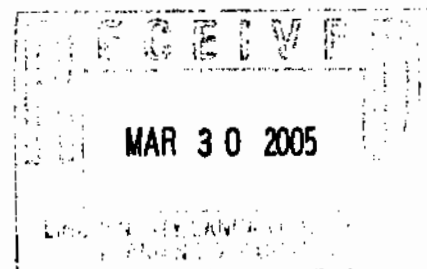
CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

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Urban Development Department
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402-441-7606
fax: 402-441-8711

March 30, 2005



Marvin Krout
Planning Director
Lincoln/Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Marvin:

Please find enclosed an amendment request to the *North 27th Street Corridor and Environs Redevelopment Plan*. This amendment is to the project identified in the plan is listed as number seven, 27th & Apple: Commercial Redevelopment, under the section entitled Redevelopment Activities: Commercial, on page 29 of the document.

This amendment requests a change of zone from I-1 to B-3 for the city-owned lots identified as Hartz & Brace's Sub Ex St Lot 25 & N 26.7' of lot 26 and Lots 28, 29, and 30.

Please attach this amendment to CPC 05002. If you have any questions please call Ernie Castillo at 441-7855.

Sincerely,

Marc Wullschleger, Director
Urban Development Dep.

cc: Wynn Hjermstad
Joel Pedersen

interoffice
MEMORANDUM

To: Marvin Krout, Planning Department
From: Marc Wullschleger, Urban Development Department *me(yh)*
Date: March 30, 2004
Subject: Change of Zone Request

The purpose of the change of zone request for the property described in the legal description on the application is for the commercial redevelopment of the area. Heartland Optical Inc. will be building a retail optical facility, including an optometrist. The B-3 zoning better suits the future use of the area than the I-1 designation.

Please call Ernie Castillo at 441.7855 if you have any questions.

